

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Mirrell Grimes

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Richard Segerblom, 704 S. 9th, Las Vegas, NV 89101
702.388.9600

DEFENDANTS

Consolidated Resorts, Inc.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII

Brief description of cause:
SEX Harassment/Retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/06/2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1 RICHARD SEGERBLOM, ESQ.
Nevada Bar No. 1010
2 704 South Ninth Street
Las Vegas, Nevada 89101
3 Tel: (702) 388-9600
Fax: (702) 385-2909
4 Attorney for Plaintiff

5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**

8 MIRRELL GRIMES,

9 Plaintiff,

10 vs.

11 CONSOLIDATED RESORTS, INC.,

12 Defendant.
13
14
15

)
) **COMPLAINT**
) **(Jury Demanded)**
)
)
)
)
)
)
)
)

16 COMES NOW Plaintiff and complains of Defendant as follows:
17

18 I.

19 This is a civil rights in employment case based upon Title VII. The Plaintiff is
20 a resident of Clark County, Nevada and at all times herein was employed by the
21 Defendant at its Clark County operations. The Defendant is a foreign corporation
22 doing business in Clark County, Nevada as Consolidated Resorts.

23 II.

24 The Plaintiff has been subjected to sexual discrimination, sexual harassment and
25 retaliation during her employment with the Defendant. When the Plaintiff complained
26 about her illegal treatment the Defendant failed to take corrective action and in fact
27 retaliated against her by harassing and firing her. The Plaintiff filed a charge of
28 discrimination with the EEOC and a copy of that charge is attached hereto and the

1 facts set forth therein are incorporated by reference.

2 III.

3 The Nevada Equal Rights Commission investigated the Plaintiff's charge and
4 found probable cause to support the Plaintiff's allegation that she was subjected to
5 unlawful retaliation.

6 IV.

7 As a direct result of the Defendant's unlawful conduct the Plaintiff has suffered
8 financial harm, physical injuries and emotional distress related to those injuries. The
9 above described acts of Defendant were intentional and done with a conscious
10 disregard for Plaintiff's federally protected rights.

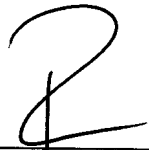
11 V.

12 The Plaintiff has obtained a right to sue letter and this lawsuit has been filed
13 within 90 from her receipt of that letter, a copy of which is attached hereto.

14 WHEREFORE, Plaintiff prays for the following relief:

- 15 1. Reinstatement, with full backpay, benefits and prejudgment interest;
16 2. Front pay if reinstatement is not possible;
17 3. Compensatory damages in the amount of \$300,000;
18 4. Punitive damages in the amount of \$300,000;
19 5. Attorney's fees and costs of suit; and
20 6. Such other and further relief as the Court may wish to entertain.

21 DATED this 6th day of June, 2009.

22
23
24 
25 RICHARD SEGERBLOM, ESQ.
26 704 South Ninth Street
27 Las Vegas, Nevada 89101
28 Attorney for Plaintiff

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Presented To:

Agency(ies) Charge No(s)

☒ FEPA

0321-07-0144L

☒ EEOC

34B-2007-00633

Nevada Equal Rights Commission

and EEO

Name (indicate Mr., Ms., Mrs.)

Ms. Mirrell Grimes

Home Phone (Incl. Area Code)

(702) 438-6413

Date of Birth

10-27-1944

Street Address

City, State and ZIP Code

10004 Bundella Drive, Las Vegas, NV 89134

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CONSOLIDATED RESORTS

No. Employees, Members

101 - 200

Phone No. (Include Area Code)

(702) 639-3100

Street Address

City, State and ZIP Code

801 S. Rampart, Suite 200, Las Vegas, NV 89145

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08-01-2006

01-09-2007

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I believe that I was discriminated against because of my sex, Female and I was subjected to retaliation. On or about August 2006 through January 9, 2007, I was subjected to a hostile work environment. On or about January 9, 2007, I was discharged. I filed my complaint with the Nevada Equal Rights Commission on March 5, 2007.

On or about October 27, 2004, I was hired and I was promoted in November, 2005 as a Manager.

On or about August 2006 through January 9, 2007, Glynn Zell, Manager subjected me to a hostile work environment. During this period, Mr. Zell sexually harassed me. He has forced me to perform sex acts on him. For fear of losing my job. I did not report Mr. Zell. Mr. Zell would tell me if I refuse to do what he says, I would lose my job and paychecks.

During December 2006, the Respondent held sexual harassment classes. During the classes, different scenarios were created, to illustrate what sexual harassment is. I spoke up and described a scenario, which illustrated what was happening to me. Mr. Zell would tell me that he was a good friend with the GM, Al Rodrigues.

I eventually reported the sexual harassment. I was moved to a different shift than Mr. Zell. I was told that if I came in early, while Mr. Zell was still in the area, I would be written up.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Mirrell Grimes

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

3-21-07

Mirrell Grimes

CHARGE OF DISCRIMINATION
 This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA

0321-07-0144L

☒ EEOC

34B-2007-00633

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On January 10, 2007, I was discharged for alleged "conduct unbecoming a Manager".

It is my contention that I was discharged in retaliation to finally reporting the sexual harassment, that Mr. Zell used to control me. To my knowledge, Mr. Zell was not disciplined for the harm me inflicted on me.

I was subjected to this and other acts of harm, based on my sex, female and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended and Nevada State Law.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Merrell James

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

3-21-07 *Merrell James*

Date

Charging Party Signature

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)To: **Mirrell Grimes**
10004 Bundella Drive
Las Vegas, NV 89134From: **Los Angeles District Office**
255 E. Temple St. 4th
Los Angeles, CA 90012On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

34B-2007-00633**Sara M. Aguirre,**
State & Local Coordinator**(213) 894-1100****TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

**Olophius E. Perry,**
District Director05/13/2009

(Date Mailed)

Enclosures(s)

CC: **Sandra Ketner, Esq.,**
Littler Mendelson
50 West Liberty Street
Suite 400
Reno, NV 89501**Richard Segerblom, Esq.**
704 South Ninth Street
Las Vegas, NV 89101